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1 – EPA and TCEQ announce interactive map source to track cleanup at ITC facility, ABC 13, 3/31/19

<https://abc13.com/epa-and-tceq-announce-interactive-map-source-to-track-itc-cleanup/5228122/>

The U.S. Environmental Protection Agency and the Texas Commission on Environmental Quality have announced a new interactive source to help keep the public up to date with current active responses at the ITC facility.

2 – Investigators expected to visit charred ITC Deer Park site on Monday, Houston Chronicle, 3/29/19

<https://www.chron.com/neighborhood/deerpark/article/Investigators-expected-to-visit-charred-ITC-Deer-13726782.php>

Fire investigators are expected to get access to the charred Deer Park tank farm on Monday to begin probing for the cause of last's weeks massive chemical fire, while researchers probe several wildlife deaths nearby.

3 – EPA: Benzene detected near San Jacinto Port did not require emergency action, KPRC, 3/29/19

<https://www.click2houston.com/news/itc-officials-to-give-update-as-cleanup-efforts-head-into-twelfth-day>

It has been 12 days since a massive fire broke out at Intercontinental Terminals Co., and crews are still working to clean up the chemicals and tank farm.

4 – Houston chemical disaster zone remains no-go two weeks after Blaze, Bloomberg, 3/31/19

<https://www.mysanantonio.com/business/energy/article/Houston-Chemical-Disaster-Zone-Remains-No-Go-Two-13731287.php>

Two weeks after a chemical storage complex near Houston erupted in flames and menaced tens of thousands of people with dangerous fumes, the site remains too hazardous for investigators to approach.

5 – New Orleans files wetland damage suit against oil, gas companies, New Orleans Times-Picayune, 3/29/19

<https://www.nola.com/environment/2019/03/new-orleans-files-wetland-damage-suit-against-oil-gas-companies.html>

New Orleans Mayor LaToya Cantrell filed a lawsuit Friday (March 29) against Entergy New Orleans, Chevron U.S.A. Inc, ExxonMobil Pipeline Company and eight other oil and gas companies, demanding they repair damage caused by exploration, production and pipeline construction activities to wetlands along the city's eastern edges.

6 – Federal judge dismisses suit seeking class-action status against St. John chemical plant, Baton Rouge Advocate, 3/31/19

https://www.theadvocate.com/new_orleans/news/courts/article_Off955ee-5045-11e9-ba0b-57581a270bc4.html

A federal judge in New Orleans has dismissed a lawsuit seeking class-action status against the Denka Performance Elastomer plant near LaPlace — making it the first lawsuit against the plant to be thrown out since residents started suing over "excessive" chloroprene levels two years ago.

7 – After 20 years, WIPP's merits and issues are still debated, Albuquerque Journal, 4/1/19

<https://www.abqjournal.com/1298501/country-must-use-wipp-to-its-fullest-ex-modification-of-how-volume-is-counted-has-unnecessarily-become-a-political-football.html>

In a remote stretch of New Mexico desert, the U.S. government put in motion an experiment aimed at proving to the world that radioactive waste could be safely disposed of deep underground, rendering it less of a threat to the environment.

8 – OPINION: Country must use WIPP to its fullest, Baton Rouge Advocate, 4/1/19

<https://www.abqjournal.com/1298501/country-must-use-wipp-to-its-fullest-ex-modification-of-how-volume-is-counted-has-unnecessarily-become-a-political-football.html>

The recent New Mexico Environment Department approval of a WIPP permit modification to change how it counts the WIPP Volume of Record has become somewhat of a political football for anti-nuclear organizations and politicians that oppose WIPP, Sandia and Los Alamos National Laboratories. Here are the facts.

9 – OPINION: Good for Guv: Against SB550, Arkansas Democrat-Gazette, 3/31/19

<https://www.arkansasonline.com/news/2019/mar/31/good-for-guv-20190331/>

I was pleased, as were many across Arkansas, to see our governor step forward the other day to effectively sidetrack that terrible bill (SB550) by Sen. Gary Stubblefield, which would have handed regulatory authority over hog factories by the EPA-qualified Arkansas Department of Environmental Quality to the Arkansas Natural Resources Commission.

10 – If fossil fuel is being out-competed by renewables, maybe the problem isn't renewables, Dallas Morning News, 3/31/19

<https://www.dallasnews.com/opinion/commentary/2019/03/31/fossil-fuel-competed-renewables-maybe-problem-isnt-renewables>

Opponents of renewable energy have long decried the fact that the industry is subsidized. Fair enough. Yet in their fervor to criticize renewable subsidies, some have gone on to embrace arguments that, if correct, would apply to renewable energy even if the industry never received a penny in subsidies. As a result, even some conservatives have found themselves in the strange position of arguing that a free market in electricity doesn't work.

11 – EPA allows producers to self-report violations, E&E News, 4/1/19

<https://www.eenews.net/energywire/2019/04/01/stories/1060137635>

The Trump administration has launched its plan for letting oil and gas producers self-report air pollution violations to EPA, part of its effort to forge a more collaborative approach with industry on environmental enforcement.

12 – Poor areas suffer most when storms hit cities — study, E&E News, 4/1/19

<https://www.eenews.net/climatewire/2019/04/01/stories/1060137795>

Severe storms "fall on the rich and poor alike," but low-income neighborhoods suffer more damage from urban flooding, according to a new study.

13 – Water conservation groups take warnings, lobbying effort directly to capitol, Norman (OK) Transcript, 4/1/19

https://www.normantranscript.com/news/government/water-conservation-groups-take-warnings-lobbying-effort-directly-to-capitol/article_2ad7dfc0-555c-51c8-b1e1-36d2b54178bf.html

Groups of Oklahomans who are worried about the future of the state's water went to the capitol Wednesday to encourage a change of direction. Well, at least that's what they hoped to do.

EPA and TCEQ announce interactive map source to track cleanup at ITC facility

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The source allows you to track the Government's response to the cleanup and shows the locations for air monitoring and water collections.

Sunday, March 31st, 2019 11:06PM

The U.S. Environmental Protection Agency and the Texas Commission on Environmental Quality have announced a new [interactive source](#) to help keep the public up to date with current active responses at the ITC facility.

The companies made the announcement two days after two other companies around the facility were placed under shelter-in-place due to elevated levels of benzene.

The source allows you to track the Government's response to the cleanup and shows the locations for air monitoring and water collections, as well as the results of those tests.

There are also photos and explanations of how the agencies are responding.

Investigators expected to visit charred ITC Deer Park site on Monday

By [Zach Despart](#) Updated 8:26 pm CDT, Friday, March 29, 2019



IMAGE 1 OF 4

Emergency crews continue to douse what's left of the now-extinguished petrochemical tank fire at Intercontinental Terminals Company on Wednesday, March 20, 2019, in Deer Park. Fire crews extinguished the [... more](#)

Fire investigators are expected to get access to the charred Deer Park tank farm on Monday to begin probing for the cause of last's weeks massive chemical fire, while researchers probe several wildlife deaths nearby.

Since the blaze began March 17, the burn site has been too unsafe for investigators to visit. Intercontinental Terminals Co. plans to provide access on Monday to the Harris County Fire Marshal's Office, the U.S. Chemical Safety Board and the Occupational Safety and Health Administration, ITC incident commander Brent Weber said.

IMPACT: Spill from Deer Park plant fire threatens vulnerable marsh

In the meantime, a judge ordered on Friday that the company preserve any evidence related to the incident as cleanup continues at the site, where Weber said nine of 15 tanks were secure as of Friday.

"We made good progress," he said. "We've been focused on product removal."



In the Houston Ship Channel and nearby waterways, the U.S. Coast Guard is still leading efforts to remove contaminated water. A containment wall breach a week ago allowed an unknown volume of chemicals of the tanks contain chemicals used to make

00:0300:58

, which is impacting an area that includes

Battleship Texas, the oyster beds in Burnett Bay, Carpenters Bayou, Crystal Bay Marsh, Old River, Patrick Bayou, Santa Anna Bayou, the western shore of the mouth of the San Jacinto River, Tucker Bayou, and the Intercontinental Terminals Co. docks, according to the company.

LEGAL ACTION: Harris County sues ITC, only on HoustonChronicle.com

Captain Kevin Oditt said the Coast Guard has made significant progress re-opening the Ship Channel, which was closed a week ago after the chemical spill. Oditt said 23 ships and 115 tow boats passed through the channel on Thursday, about half of the waterway's normal volume.

Five vessels were observed with oil on their hulls, requiring decontamination before they could proceed out of the channel, Oditt said. Crews have removed 1.2 million gallons of oily water from the waterways and 1.5 million gallons of product mixed with firefighting foam from the tank farm.

Adam Adams of the federal Environmental Protection Agency said investigators have yet to determine the cause of death for a number of animals found dead in recent days in Tucker Bayou, which lies just east of ITC. Adams said the count to date includes 13 fish, two red-eared slider turtles, one frog and three birds — including a federally protected cormorant.

Adams said the EPA will also look into the death of a dolphin in Seabrook, which borders Galveston Bay.

U.S. Coast Guard officials took members of the media on a brief boat tour of the Houston Ship Channel near the San Jacinto Battleground State Historic Site.

Oditt called traffic in the area slow, but pointed out a couple of ships traveling through the channel.

"We think we found an equilibrium," he said.

The tour, which went from Lynchburg to Old River to Carpenter's Bayou, showed less clean-up activity than would be expected in a more polluted area, such as Tucker Bayou.

Some oily sheen was visible in the water, and lines of orange containment boom crossed parts of the channel.

One skimmer sidled alongside a larger vessel as workers moved the oily product to the hull of the ship until it could be unloaded off shore.

EPA: Benzene detected near San Jacinto Port did not require emergency action

By [Daniela Sternitzky-Di Napoli](#)- Digital News Editor

Posted: 10:17 AM, March 29, 2019

Updated: 1:10 PM, March 29, 2019

DEER PARK, Texas - It has been 12 days since a massive fire broke out at Intercontinental Terminals Co., and crews are still working to clean up the chemicals and tank farm.

Officials with ITC have been giving daily updates since the fire started. In Friday's update, officials said progress was moving along quickly and crews were working diligently to keep it that way.

Adam Adams, with the Environmental Protection Agency, said air monitors picked up elevated levels of benzene near the San Jacinto Port area, but the detections were not sustained.

Adams said all the information was relayed to local government and other officials. When a second air quality check was done, benzene was no longer detected so it did not require emergency action.

"The communication process, it worked," Adams said. "We got the hit, we disseminated down, and the (benzene detection) wasn't sustained. So that was like we wanted it to be."

Adams said several animals in the immediate Tuckers Bayou area have been found dead including turtles, fish and birds. One bird was rescued but later died. He said the causes of death for the animals are not known

ITC executive, Brent Weber said crews were able to secure one of the remaining tanks Thursday and began pumping two more.

The next goal for Friday is to begin pumping three more of the remaining tanks that contain gasoline blend and base oil.

Kevin Oditt with the U.S. Coast Guard said the Houston Ship Channel remains partially open to daylight traffic and he does not know when it will resume normal flow.

SCROLL TO THE BOTTOM OF THE ARTICLE FOR AN INTERACTIVE TIMELINE OF EVENTS

The CEO of ITC, Bernt Netland, had stayed silent through most of the incident, but after multiple questions from the community asking where he was, he issued an apology on YouTube, saying in part:

"Please let me begin my remarks by expressing my apology and a collective apology of everyone at ITC for the impact caused by the terminal fire ... "I pledge to you that we are making all available necessary resources to resolve this."

RELATED: 'I'm proud to work for Mr. Netland:' ITC official responds to CEO apology

When asked about Netland's response, ITC executive Brent Weber defended his CEO's comments, saying his boss is sincere in his apology to the community.

"My CEO has been here from the beginning of this incident, and his focus is recovering the response effort, the remediation effort and to make sure that ITC, along with all of our governmental agencies partners, are successful in seeing this through to completion," Weber said. "I know my CEO. I know his character. I can assure you that he's sincere, he's genuine, and when he speaks, he speaks from the heart. I'm proud to work for Mr. Netland and I'm proud that he's my CEO."

The company is facing multiple lawsuits, including one filed by [Harris County](#) and one filed by the [Texas attorney general](#).

RELATED: Harris County sues ITC over Deer Park chemical fire

According to the Harris County lawsuit, "ITC is responsible for burning and air emissions in violation of the state's Clean Air Act, discharging industrial waste into nearby waters in violation of state law and county regulations, and violation of county floodplain regulations by not having development permits for structures at its facility."

Texas Attorney General Ken Paxton filed a lawsuit Friday, March 22, for violations of the Texas Clean Air Act.

RELATED: Texas attorney general files lawsuit against ITC for violations of Texas Clean Air Act

When asked to give a comment on the lawsuits, ITC officials declined, saying they do not comment on ongoing litigation.

Houston chemical disaster zone remains no-go two weeks after Blaze

Joe Carroll and Kevin Crowley, [Bloomberg](#) Published 11:00 am CDT, Sunday, March 31, 2019



Firefighters continue to battle the petrochemical fire at Intercontinental Terminals Company, which grew in size due to a lack of water pressure last night Tuesday, March 19, 2019, in Deer Park, Texas.

Two weeks after a chemical storage complex near Houston erupted in flames and menaced tens of thousands of people with dangerous fumes, the site remains too hazardous for investigators to approach.

Intercontinental Terminal Co. is still trying to drain millions of gallons of volatile oil byproducts from tanks damaged in the four-day blaze that began on March 17. The ground around the tanks is also saturated in dangerous fluids, severely restricting access to the facility 20 miles (32 kilometers) east of downtown Houston. On Friday, the company said they may be able to allow some access early this week.

Recommended Video

ITC and its top executive, Bernt Netland, have been chastised by elected officials for their handling of the unfolding disaster that cast a mile-high plume of black smoke over the fourth-largest American city for days, rborne access to the Gulf of Mexico. Harris nt has so far been restricted to off-site

Rachel Moreno, a spokeswoman for the fire marshal. “They’re still doing emergency operations and we need to wait until it’s safe for the investigators to go in.”

Benzene eruptions

Christensen’s investigators won’t enter the site until the remaining tanks are emptied and other hazards have been mitigated, Moreno said. Clouds of cancer-causing benzene have continued to waft over the disaster site as well as nearby factories and suburbs, including one early Friday, according to ITC.

Oil tankers and other ships headed for the manufacturing nexus along the Houston Ship Channel have been backing up in Galveston Bay and the Gulf because of runoff from ITC’s facility that polluted the waterway. The U.S. Coast Guard commander for the region said he doesn’t know when things may return to normal.

Almost 20 miles of rubber barriers have been deployed to halt the spread of the oily sheen and protect oyster beds. Ferry service in the area remains shut down and the annual re-enactment of the 1836 Battle of San Jacinto that won Texas independence from Mexico has been canceled.

ITC, a unit of Japanese conglomerate Mitsui & Co., may be facing billions of dollars in damages, penalties and clean-up costs. Every day the ship channel is closed erases \$300 million from the local economy, Harris County Commissioner Adrian Garcia said. And that doesn’t take into account what ITC may owe the companies whose chemicals were burned and lost in the fire and subsequent spill.

Owners notified

Brent Weber, the senior vice president of sales and marketing who’s become the face of ITC’s response, declined to identify the owners of the chemicals, byproducts of the oil-refining process.

"ITC is a storage terminal only so out of respect for our customers' confidentiality we do not release that information, but, yes, the customers of that product have been notified and we've been in constant contact with all of our customers," Weber said on Friday.

Other entities investigating the incident include the U.S. Chemical Safety Board and the Labor Department's Occupational Safety and Health Administration. Texas Attorney General Ken Paxton has sued the company for violating air-pollution laws.

Lawmakers may also take ITC leaders to task. State Senator Carol Alvarado wants the company hauled before the Select Committee on Texas Ports that she vice-chairs.

"I'm sure that because of this incident, it's causing people to pause and maybe rethink some of the infrastructure around" the region, Alvarado said. "Who would have thought that this fire would have caused this ripple effect that is impacting potentially the global market?"

New Orleans files wetland damage suit against oil, gas companies

Updated Mar 30, 2019;
Posted Mar 29, 2019



The Lake Borgne Surge Barrier cuts across the Golden Triangle, an area of wetlands along the lake's northwest edge, on Thursday, August 13, 2015.. Oil and gas exploration in areas like this are blamed for wetland erosion in a lawsuit filed Friday (March 29) against 11 oil, gas, and pipeline

companies by the
city of New Orleans.
and the MRGO east
of New Orleans
(Photo by David
Grunfeld, NOLA.com
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By **Mark Schleifstein, NOLA.com | The Times-Picayune**

New Orleans Mayor LaToya Cantrell filed a lawsuit Friday (March 29) against Entergy New Orleans, Chevron U.S.A. Inc, ExxonMobil Pipeline Company and eight other oil and gas companies, demanding they repair damage caused by exploration, production and pipeline construction activities to wetlands along the city's eastern edges.

The lawsuit, filed at 5 p.m. in Civil District Court, is similar to dozens of other suits filed against oil and gas firms by six Louisiana parishes. Those suits are pending before federal judges in New Orleans and Lafayette.

“New Orleans has been harmed. The people of our city have been harmed, and our way of life is threatened by the damage done to our coastal wetlands,” Cantrell said. “The land that’s been lost was a protective barrier defending us from hurricanes and floods. If current trends hold, New Orleans will be a literal coastal city within the next fifty years - with no protective land barriers.

"Given the challenges we face when it comes to our infrastructure, the additional strain of these damages demands action. Getting our fair share means being made whole by the companies who have harmed us.”

“We are filing this lawsuit to ensure that the residents of Orleans Parish are safe, our economy is protected, and to help restore our coast” said City Attorney Sunni LeBeouf.

Like the other suits, the city filing argues that in exploration, development and operation of oil and gas wells and pipelines, the energy companies violated provisions of the state’s

Coastal Zone Management Act of 1978, either by not restoring damage such as canals and spoil banks, or cleaning up hazardous and radioactive waste produced during drilling operations.

City Council Vice-President Helena Moreno voiced support for the new filing. “Our future as a city is strongly connected with the health of our coast. Therefore, it’s long past time to hold those responsible for coastal damages accountable. They have put New Orleanians at great risk,” Moreno said.

But industry and business groups quickly criticized it. The Grow Louisiana Coalition, a collection of business-friendly organizations supportive of oil and gas, said the lawsuit ignores the economic impact of the energy industry in the city.

“Nothing good comes from suing an industry that means so much to New Orleans. Right now, there are more than 1,600 New Orleanians and a couple hundred New Orleans-based

businesses working in the energy industry here,” said Grow Louisiana’s Executive Director Marc Ehrhardt in a statement. “Lawsuits do not build relationships. They end them.”

The Louisiana Oil and Gas Association, which represents smaller oil firms, also expressed dismay. In a statement sent on Twitter, the group’s president, Gifford Briggs, called it “unfortunate to see the (city of New Orleans) bow to the administration’s pressure for more self-serving lawsuits,” in apparent reference to the Edwards’ administration. Briggs added: “These promise snake oil to heal all your ailments, but do nothing other than line the peddlers’ pockets.”

“It is long past time that the litigation is put on the back burner and state government take back the responsibility it is granted in the Coastal Zone Program,” Briggs said.

“With the filing of this lawsuit, the city of New Orleans sends a message to oil and gas they’re closed for business,” said Tyler

Gray, president of the Louisiana Mid-Continent Oil and Gas Association, whose members include larger oil and gas corporations. “Unnecessary legal tactics threaten the community investment and cultural support the industry has provided for over a century, which they can now potentially lose, as they wait for several years, as other parishes in the state have, for this to work its way through the judicial process.”

Comments from Entergy and other companies named in the suit were not immediately available. Apache Corp. and Kinder Morgan, parent companies for two of the defendants, declined to respond.

It’s unclear whether oil and gas interests would make good on Gray’s threats, however. Despite the lawsuits filed by Cameron and Plaquemines parishes, oil and gas firms have committed to spend or already have spent several billion dollars on major new facilities, including several terminals to export liquefied natural gas and oil overseas from locations on the Mississippi and Calcasieu rivers, and several major pipelines to serve those facilities.

While the city attorney is named as lead attorney in the case, also listed are firms headed by New Orleans lawyers Gladstone Jones and James Swanson, who represented the

Southeast Louisiana Flood Protection Authority-East in a failed attempt to sue oil and gas firms to restore wetlands or for damages aimed at protecting the New Orleans area levee system.

That lawsuit failed after federal appeals judges upheld a lower court ruling finding that that case as filed under three federal laws to force 97 oil and gas companies to repair damages, and those laws did not require the companies to make the repairs.

The city's lawsuit, like the other parish lawsuits, makes clear that it is only attempting to enforce the provisions of the state Coastal Zone statute, and specifies that it is not calling for enforcement of federal laws or the use of state "tort" statutes governing other types of damage lawsuits.

The other 42 parish suits were all removed to federal courts by oil and gas firms in May 2018 on allegations that they were

attempting enforce the state laws on actions that occurred before the laws existing, and that some of the company actions were the result of federal directives issued during World War II.

Two of those cases have hearings in April that are expected to address those issues, and judges hearing the remaining cases are expected to follow the lead of those two judges in determining whether the suits should be returned to state courts.

Other law firms listed as representing the city in the case include Sher Garner Cahill Richter Klein & Hilbert, and Don A. Rouzan & Associates.

Other parishes began filing coastal zone lawsuits in 2013, with most parishes represented by the Baton Rouge law firm of

Talbot Carmouche & Marcello, but New Orleans did not enter the fray until Friday.

About six months before his term ended in May 2018, former Mayor Mitch Landrieu told reporters that he would make a decision on whether to file a similar suit before his term ended. But he left office without announcing that decision.

Both Louisiana Attorney General Jeff Landry and the state Department of Natural Resources have joined as plaintiffs in all the other lawsuits. Two years ago, Gov. John Bel Edwards said he would like all coastal parishes to file similar suits. Edwards said the state's intervention is aimed at assuring that any money stemming from the suits is used for restoration projects that are in keeping with the state's \$50 billion, 50-year coastal master plan.

Organizations representing both small and large oil and gas firms have opposed similar lawsuits, arguing that the legal cases are designed to make money for trial lawyers and that the energy firms' have followed state laws in their exploration and production. They also argue that the industry already has helped fund Louisiana's [coastal restoration](#) program with direct assistance to some projects, letting others use their land and through royalty payments to the state from offshore and onshore oil and gas production.

The New Orleans lawsuit points to the city's flood-prone status as "virtually an island already," with almost half of the city's land being at or below sea level.

"New Orleans itself is home to these vanishing wetlands-from the lands fed by and bordering Bayou Bienvenue to the wetlands areas around Bayou Sauvage and bordering Lake Pontchartrain in New Orleans East, to the Lake St. Catherine area and on through the East Orleans Land Bridge and the lands bordering Lake Borgne," the suit said, adding that the U.S. Geological Survey has estimated that more than 5,470 acres of marsh have been lost from the eastern land bridge since 1932.

The suit says the failure of the energy companies to repair damage caused by their exploration and production activities has exacerbated the city's wetland loss problems.

"Oil and gas exploration and production activities have included a multitude of access canals and other activities, the

failure to maintain which directly harms the coastal wetlands; and, to transport the mineral riches of Louisiana to processing and refining facilities and the rest of the country, pipeline companies have gashed long, straight conduits, which, again, they have failed to adequately maintain and protect such that they have become wetlands-destroying forces through the coastal zone,” the suit said.

The suit contends the companies’ both failed to follow regulations requiring them to backfill canals, repair lost wetlands and clean up wastes, and in some instances, failed to get the permits required to work in the wetland areas.

The energy firms named in the suit include Apache Louisiana Minerals LLC, based in Houston; Aspect Energy, LLC, based in Denver, Colo.; Chaparral Energy L.L.C., based in Oklahoma City; Chevron U.S.A. Inc., based in California; Collins Pipeline Company, based in Houston; Entergy New Orleans and its predecessor companies; EOG Resources Inc., based in

Houston, which is a successor company to Florida Exploration Company and Coastal Production Company; ExxonMobil Pipeline Company, based in Spring, Texas; Gulf South Pipeline Company, LP, based in Houston; Southern Natural Gas Company, L.L.C., based in Houston; and Whiting Oil and Gas Corporation, based in Denver.

Federal judge dismisses suit seeking class-action status against St. John chemical plant

BY NICK REIMANN AND DELLA HASSELLE | nreimann@theadvocate.com dhasselle@theadvocate.com MAR 30, 2019 - 6:00 PM



The Denka Performance Elastomer plant, formerly DuPont, seen here in LaPlace, La. Thursday, Dec. 22, 2016, has been tasked with reducing the emissions by 85 percent of a chemical, chloroprene, that the EPA has found to be "likely" carcinogenic.

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Advocate staff photo by MATTHEW HINTON

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A federal judge in New Orleans has dismissed a lawsuit seeking class-action status against the Denka Performance Elastomer plant near LaPlace — making it the first lawsuit against the plant to be thrown out since residents started suing over "excessive" chloroprene levels two years ago.

The case, filed by Juanea Butler on June 5, named Denka, E.I. DuPont de Nemours and Co., and the Louisiana departments of Environmental Quality and Health as defendants, alleging they owed damages to Butler and others in St. John the Baptist Parish for a litany of health problems ranging from respiratory issues to insomnia.

The lawsuit also sought an injunction ordering Denka to reduce the plant's emissions of chloroprene — a chemical the U.S. Environmental Protection Agency calls a “likely carcinogen” — below the federal agency's suggested limit of 0.2 micrograms per cubic meter of air.

Controversy has swirled around the Denka plant in recent years over the hazards posed by chloroprene, a chemical used to make the synthetic rubber neoprene. It has been produced at the LaPlace plant for about 50 years.

Since 2017, more than a year after an EPA report came out showing emissions from the plant gave St. John Parish the highest potential risk of cancer from airborne pollutants of any place in the country, more than 4,000 people have sued the company in 10 separate lawsuits winding their way through state and federal courts.

Butler's lawyer said she sought medical attention since 2012 for acute bronchitis, coughing, sinusitis, nasal polyps, wheezing, cardiac problems, nausea, vomiting, headaches, fatigue, anxiety, insomnia and hair loss.

But in a 27-page ruling, U.S. District Judge Martin Feldman completely dismissed her lawsuit, at one point saying that it “is so inartfully drafted that it is difficult to discern precisely which causes of action she may be advancing.”

Feldman also said she simply waited too long to claim any damages.

Under federal law, Butler had one year to file a suit for damages because of health problems she said the defendants caused. But she started seeking medical attention in 2012 and waited years after the EPA warned against chloroprene to file her suit in 2018.

Danny Russell, Butler's attorney, said he was surprised with the ruling and Feldman's "harsh language." The lawyer vowed to keep fighting the company, saying he has filed an amended suit in federal court on behalf of Butler and six other plaintiffs.

That suit went before Magistrate Judge Karen Wells Roby on Feb. 20. She's yet to rule on whether it can go forward; if it does, it would also be heard by Feldman. That suit also seeks class-action status.

Most of the suits filed against Denka claim the plant has emitted so much chloroprene that it has resulted in air concentrations exceeding acceptable risk for human exposure, and that the company failed to warn residents about that risk.

Butler's suit, however, was not one of seven identical suits filed in state court by a team of lawyers that alleged the plant caused residents fear of cancer. In those cases, the plaintiffs agreed not to seek more than \$50,000 in damages, a tactic aimed at keeping the cases in the hands of local judges and out of federal court.



Robert Taylor II, top center, leader of an activist group called Concerned Citizens of St. John, sits at a table as he and other residents talk about some of the chemicals they fear are being dumped in the area during a meeting at Tchoupitoulas Chapel on Thursday, February 7, 2019.

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Advocate Staff photo by CHRIS GRANGER

Feldman's dismissal of Butler's suit leaves one more Denka lawsuit in his courtroom. It was filed in July 2017 by 13 St. John the Baptist Parish residents, including Robert Taylor, the leader of an activist group called Concerned Citizens of St. John.

The Taylor lawsuit also seeks injunctive relief by asking Feldman to shut down the plant or force officials to reduce its emissions.

Like the Butler suit, the plaintiffs in the Taylor suit sought class-action status, but that request was denied after the suit was filed because Feldman said they had missed a key deadline.

And last summer, Feldman seemed poised to toss the Taylor suit altogether, saying that while the residents claimed that the plant had forced them to stay indoors and caused them physical discomfort, their lawsuit was "wholly defective" because it lacked "any factual content."

Instead, he asked them to resubmit it, with amended complaints.

The new version of the suit contained a long list of health issues allegedly suffered by each plaintiff.

After 20 years, WIPP's merits and issues are still debated

By Susan Montoya Bryan / Associated Press

Sunday, March 31st, 2019 at 12:05am

In a remote stretch of New Mexico desert, the U.S. government put in motion an experiment aimed at proving to the world that radioactive waste could be safely disposed of deep underground, rendering it less of a threat to the environment.



A worker drives a cart inside the Waste Isolation Pilot Plant near Carlsbad in April 1998. More than 12,380 shipments of radioactive waste have been stashed in the salt caverns. (Eric Draper/Associated Press)

Twenty years and more than 12,380 shipments later, tons of Cold War-era waste from decades of bomb-making and nuclear research across the U.S. have been stashed in the salt caverns that contain the underground facility. Each week, several shipments of special boxes and barrels packed with lab coats, rubber gloves, tools and debris contaminated with plutonium and other radioactive elements are trucked to the site.

But the Waste Isolation Pilot Plant has had its issues.

A 2014 radiation leak forced an expensive closure for almost three years, which delayed the federal government's cleanup program and prompted policy changes at national laboratories and defense-related sites across the U.S. More recently, the U.S. Department of Energy said it would investigate reports that workers may have been exposed last year to hazardous chemicals.

Still, supporters consider the repository a success, saying it provides a viable option for dealing with a multibillion-dollar mess affecting several sites, including a decommissioned nuclear weapons production site in Washington

state, one of the nation's top nuclear research labs, in Idaho, and locations as far east as South Carolina.

If it weren't for the Waste Isolation Pilot Plant, many containers of plutonium-contaminated waste would be outdoors, exposed to the weather and susceptible to disasters, said J.R. Stroble, head of business operations at the Department of Energy's Carlsbad Field Office, which oversees the contractor that operates the repository.

"The whole purpose of WIPP is to isolate this long-lived radioactive, hazardous waste from the accessible environment, from people and the things people need in order to live life on Earth," he told The Associated Press.



Don Hancock, with the Southwest Research and Information Center, holds a promotional flyswatter in his office in Albuquerque. The printed message sells the Waste Isolation Pilot Plant as the solution to nuclear pollution. (Susan Montoya Bryan/ Associated Press)

Stroble and others in the communities surrounding the repository are steadfast in their conviction that the facility is a success. They point to 22 sites around the nation that have been cleaned up now that there is a place to put the waste. One of those sites is Rocky Flats, a former nuclear weapons plant outside Denver that had a history of leaks, spills and other violations.

For critics, that success is checkered at best since the repository is far from fulfilling its mission.

"It's 80 percent through its lifetime, and it has disposed of less than 40 percent of the waste and has cost more than twice as much as it was supposed to," said Don Hancock of the watchdog group Southwest Research and Information Center. "How great of a success is that?"

Officials initially thought the facility would operate for about 25 years. Rather than wrapping up in the next few years, managers have bumped the timeline to 2050.

The repository was carved out of an ancient salt formation about a half-mile below the surface, with the idea that the shifting salt would eventually entomb the radioactive waste.

In the 1950s, the National Academy of Sciences recommended disposing of atomic waste in deep geologic formations. Scientists began taking a hard look at the New Mexico site about two decades later.

The scientists had to convince themselves, then federal regulators that it was safe. One of their tasks was determining that the ancient seawater trapped between the salt crystals and bound up in thin bands of clay within the salt deposit would pose no problems thousands of years later.

“It was exciting to be working on what was then going to be the world’s first deep-geologic repository for that class of waste,” said Peter Swift, a senior scientist at Sandia National Laboratories. “Nothing that radioactive had been put that deep underground before. And that’s still true 20 years later.”

While the real test will be what happens generations from now, Swift is confident in the science behind the project.

But the wild card in whether the repository is ultimately deemed a success will be the human factor. After all, missteps by management were blamed for the 2014 radiation release.

With some areas permanently sealed off due to contamination, more mining will have to be done to expand capacity. The federal government also is spending more than half a billion dollars to install a new ventilation system, sink more shafts and make other upgrades aimed at returning to “normal business.”

Hancock and some former elected leaders involved in early discussions about the facility worry about the subterranean landfill becoming a dumping ground for high-level waste or commercial nuclear waste.

But it would take an act of Congress to expand the repository’s mission, and getting consent from New Mexico’s delegates would be a tall order since the federal government still has no long-term plan for dealing with such waste. Nevada’s proposed Yucca Mountain project is mothballed, and no other permanent disposal proposals are on the table.

Toney Anaya, who served as New Mexico’s governor in the 1980s, remembers the heated debates about bringing more radioactive waste to the state. He said there were concerns about safety, but the promise of jobs was attractive. Some also argued New Mexico had a moral obligation given its legacy of uranium mining and its role in the development of the atomic bomb.

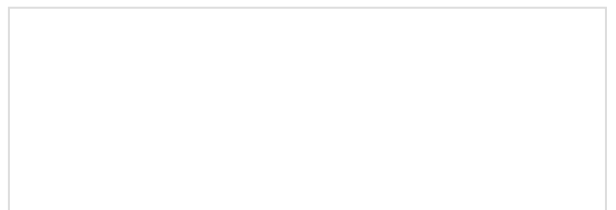
Another former governor, Bill Richardson, was on both sides of the tug of war – first as a young Democratic congressman who wanted to impose environmental standards and keep 18-wheelers loaded with waste from passing through the heart of Santa Fe. Later, he became U.S. energy secretary during the Bill Clinton administration and pressured the state to clear the way for the repository to open.

“For New Mexico, we’ve done our share of storing waste, and we’ve done it safely and effectively,” Richardson said. “It’s provided jobs, but I just think the future of the state is not nuclear.”

Southeastern New Mexico’s ties to the nuclear industry are strong and will remain for at least the next 30 years under current plans.

Robust state regulation will be key in ensuring responsible management, said Hancock, with the watchdog group. The problem, he said, is that besides the Cold War-era waste that has yet to be dealt with, the federal government and nuclear power plants keep generating more.

Auto Racing



Guest Columns

Country must use WIPP to its fullest

By John Heaton / Chairman, Carlsbad Nuclear Task Force

Monday, April 1st, 2019 at 12:02am

The recent New Mexico Environment Department approval of a WIPP permit modification to change how it counts the WIPP Volume of Record has become somewhat of a political football for anti-nuclear organizations and politicians that oppose WIPP, Sandia and Los Alamos National Laboratories. Here are the facts:

1. WIPP was designated by the Land Withdrawal Act of 1992 as a repository for disposal of 6.2 million cubic feet of defense transuranic waste (DTRUW). It did not qualify the etiology of that waste, only that it be DTRUW meeting that definition.
2. The capacity limit was based on an inventory estimated in a 1980 EIS, and only included DTRUW buried in Idaho at that time and estimated waste production rates at the Rocky Flats Site through 2002. The 1980 EIS inventory did not include waste from future clean-up at other DOE facilities – Hanford, Oak Ridge, Savannah River, Los Alamos, etc.
3. WIPP has two disposal regulators; EPA regulates radiologic constituents and the Congressional limit of 6.2 million cubic feet. The state only regulates hazardous constituents. Each panel in WIPP is permitted, like a city dump, with a designated volume. There are no state volume limits or number of permitted disposal units it can permit.
4. WIPP began using over-packs to meet DOT and NRC requirements and restrictions for weight, safety and radiation levels in transportation casks from the very first shipment. DOT and NRC transportation limits have nothing to do with the waste volumes in the shipments to be counted against the volume limit for WIPP.
5. Over-packs – mostly air — were initially counted as the actual volume of waste instead of the inner over-packed containers within them because everyone believed WIPP had a capacity in excess of known inventories.
6. The reality is that there is more DTRUW in the weapons complex that has since been discovered, and it exceeds the 6.2 million cubic feet capacity if the air in the over-packs is counted.
7. WIPP applied for a Class 3 permit modification to NMED to change the counting for the volume of record based on the inner containers of Transuranic Waste, NOT the overpack container volume.
8. A Class 3 permit modification is the most rigorous class, requires technical evaluation by NMED expert staff, has several public hearings and one by an independent hearing officer who renders a decision based on the evidence. The hearing officer recommended approving the new permit, and the NMED secretary agreed.
9. The permit modification is simple and straightforward. It says to count the inner container volume of over-packed containers for the Congressional purpose of limiting DTRUW and count the Hazardous Waste Unit volume – the outer container volume – for the purpose of state control over each permitted unit. Thus, both counts serve their individual purposes.
10. The idea that this decision was politically motivated disrespects technical staff at NMED, the hearing officer and the independence of the NMED system.
11. Those who claim foul have ulterior motives. They refuse to understand the purpose for the change. It is remarkable anyone would prefer DTRUW to remain in the biosphere rather than putting it away permanently in WIPP.

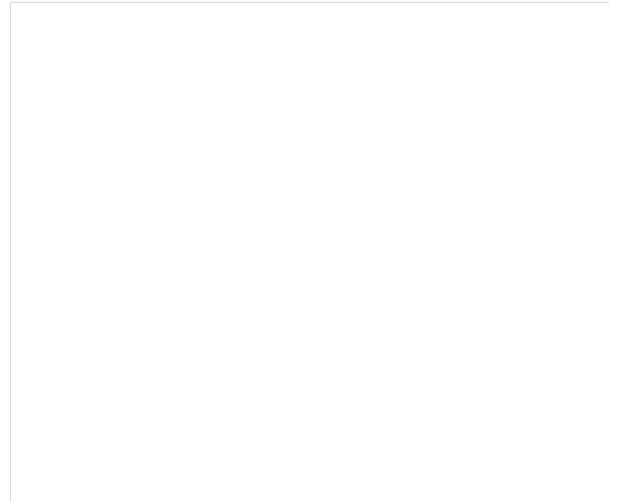
12. WIPP is the only permitted deep-geologic repository in the U.S established to clean up the weapons complex.
13. Cleanup of the weapons complex is the third largest liability of our country, right behind the national debt and social security/Medicare. WIPP is essential for clean-up.
14. A major legacy of Sens. Jeff Bingaman and Pete Domenici is WIPP. They realized the need for a national repository to clean up America’s Cold War mess, including at our own Sandia and Los Alamos labs.
15. I ask you, who in good conscience could deny the full and complete volume authorized by Congress at WIPP? To not use WIPP to its fullest would be a tragedy.

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MIKE MASTERSON: Good for Guv

Against SB550

by [Mike Masterson](#) | March 31, 2019 at 1:50 a.m.

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I was pleased, as were many across Arkansas, to see our governor step forward the other day to effectively sidetrack that terrible bill (SB550) by Sen. Gary Stubblefield, which would have handed regulatory authority over hog factories by the EPA-qualified Arkansas Department of Environmental Quality to the Arkansas Natural Resources Commission.

This piece of legislation I've deemed the "Stubblefield Stinker," although approved by the Senate (I've previously listed those voting for it), was firmly backed by a push from the Arkansas Farm Bureau, which has continued to endorse and embrace deeply controversial C&H Hog Farms, wrongly permitted in our precious Buffalo National River watershed in 2012.

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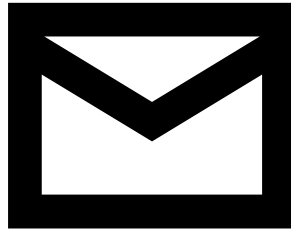
Although that shocking permit was indeed issued by the Department of Environmental Quality (including its former official John Bailey, now with Farm Bureau) without stringent requirements for safety and water testing in a region permeated by fractured karst subsurface, the agency finally did deny a separate permit application for the factory last year.

In other words, it applied the criteria that should have been demanded back of this grossly misplaced facility back in 2012. Wish I could say "better late than never." But our Buffalo and its tributary Big Creek that flows along and through the C&H spray fields have been classified as impaired from pathogens

and/or low dissolved oxygen. And the phosphorus and nitrogen from waste trapped in the subsurface crevasses and caves could continue to flow downhill for decades.

Yet C&H continues to operate, regularly spraying many thousands of gallons of raw hog waste across 600 acres as lawyers file appeals of the agency's denial. The last thing our state needs is to yank authority away from a department that is qualified to issue permits based on EPA criteria and hand it to a commission that is anything but prepared for such responsibility, even though the Department of Environmental Quality certainly failed to do its job back in 2012. I've got to hope it learned a harsh lesson from that truly bad decision.

If fossil fuel is being out-competed by renewables, maybe the problem isn't renewables



Josiah Neeley, Contributor



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DALLAS NEWS

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Texas is known for many things, and not least among them is great barbecue. Among the most famous of Texas' barbecue joints is [Franklin Barbecue](#) in Austin. The food at Franklin is so popular that people line up for hours before it opens just to make sure they don't miss out.

But there's a problem. Unlike many other barbecue restaurants that are open all day, Franklin is only open for lunch. During the dinner hours, which is the period of peak barbecue demand, Franklin isn't producing barbecue at all, meaning other venues have to pick up the slack.

What's worse, because these other barbecue restaurants need to be kept as "back up" to meet demand when Franklin closes, the existence of Franklin raises costs for all barbecue customers. As such, some are calling for the state to levy special taxes or restrictions on Franklin to keep people from buying so much of their brisket.

OK, just kidding, that last paragraph isn't true about barbecue. Aside from the fact that no self-respecting Texan would countenance attacks on a national treasure like Franklin, the argument that one business harms another by not competing with it enough -- and that the state should restrict the first business to offset that harm -- is a bit strange. Yet versions of this argument are increasingly being made against another growing Texas industry: renewable energy.

Opponents of renewable energy have long decried the fact that the industry is subsidized. Fair enough. Yet in their fervor to criticize renewable subsidies, some have gone on to embrace arguments that, if correct, would apply to renewable energy even if the industry never received a penny in subsidies. As a result, even some conservatives have found themselves in the strange position of arguing that a free market in electricity doesn't work.

Consider [this video](#) by a group calling itself the Clear Energy Alliance as indicative of the broader trend. As the video notes, peak electricity demand doesn't always match up with the time of day when the most solar energy is being produced. As such, most of that demand is met by traditional fuel sources.

According to the video, this makes solar electricity like "a privileged part-timer who arrives late, does work others could easily do, and then leaves while everyone else is working full tilt." Not only that, but "because all full-time workers are needed at peak workload, they all have to be kept on staff, and there is an expensive duplication of labor." In the barbecue example, this would equate to competitor barbecue restaurants having to hire cashiers to stand around with nothing to do while people are eating at Franklin instead.

Yet if you find yourself being out-competed by a part-timer, maybe he's not the problem. Maybe the problem is you.



SPONSORED CONTENT

Everything you need to know about trading your car in to a dealership

By [Sam Pack's Five Star Chevrolet](#)

Throughout the 20th century, advocates of government control complained that competition was wasteful and led to duplication of labor, thereby increasing costs for consumers. This is the same argument that some are making today against renewables. But experience has shown that rather than increasing costs and waste, competition actually tends to lower costs and improve service.

According to the video, we should care about traditional fuel sources losing sales to renewables because if traditional plants can't make a profit, there will be no one to provide power during peak demand times. Yet this has things backward. The fact that renewable generators only produce power during part of the day does impose a cost, but not on consumers; these costs fall on renewable generators themselves. For power companies that produce during peak periods, this lapse in production on the part of renewable generators represents a profit opportunity. Indeed, despite a rapid growth in renewable generation in Texas, electricity prices have fallen further than those in any other state and reliability remains high.

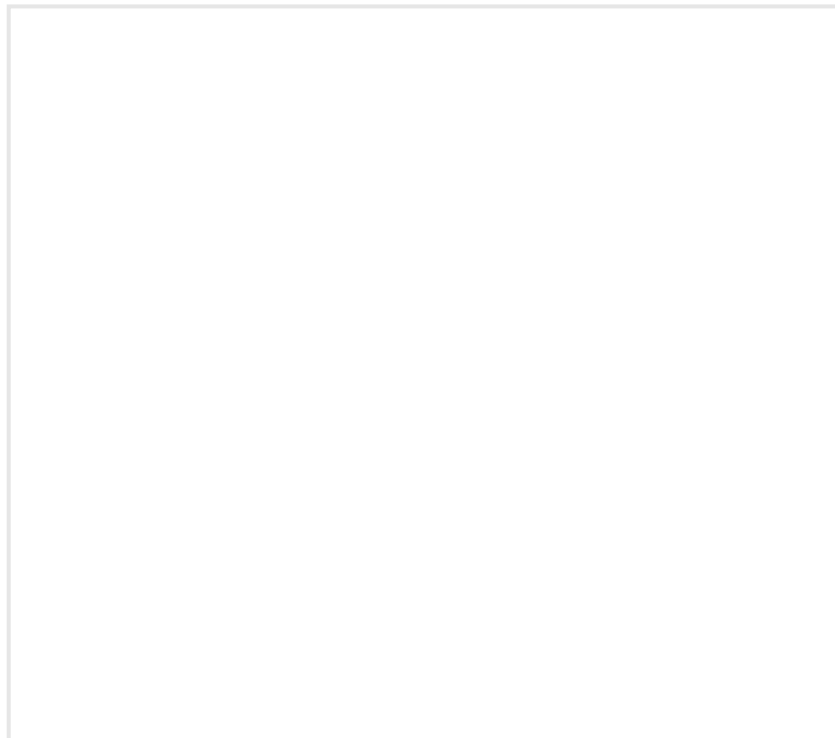
Whether it's barbecue or electricity, the market is able to cook up something far better than what will come from second-guessing it.

Do not eat fish, crab from Houston Ship Channel or parts of San Jacinto River, state health officials say

This is as clean-up efforts continue at Intercontinental Terminals Company in Deer Park, where chemical storage tanks burned on and off for about a week.

HARRIS COUNTY, Texas — The Texas Department of State Health Services recommends no one eat any species of fish or crab from the Houston Ship Channel or the San Jacinto River north of the Texas 146 Fred Hartman Bridge.

This is as clean-up efforts continue at Intercontinental Terminals Company in Deer Park, where chemical storage tanks burned on and off for a week.



ITC officials say there are no known or suspected impacts to drinking water, and there are no water intakes on the ship channel.

Harris County Public Health (HCPH), Harris County Pollution Control (HCPC), Harris County and City of Houston Hazardous Materials teams, EPA, TCEQ and Turnstone Environmental Health & Safety continue air quality monitoring.

Updated air quality monitoring information is available [here](#).

The environmental issues led to the closure of more than half a dozen parks in Harris County Pct. 2 and another two parks in La Porte.

In Shore Acres, all waterside parks have been reopened but with recommendations not to swim or consume anything from the waters.

Harris County Public Health officials say there is a low health risk for the community, despite a litany of complaints and concerns from people working and living around ITC.

One family [filed the first of potentially hundreds of lawsuits Monday against ITC](#) and its spokesperson for exposure to toxic chemicals.

The lawsuit claims residents have suffered numerous types of injuries, including upper respiratory infections, bronchitis, pneumonia, itchy, burning eyes and tight, burning throats.

EPA allows producers to self-report violations

Mike Soraghan, E&E News reporter

Published: Monday, April 1, 2019



EPA has finalized a voluntary disclosure program for owners of oil and natural gas exploration and production facilities. NOAA

The Trump administration has launched its plan for letting oil and gas producers self-report air pollution violations to EPA, part of its effort to forge a more collaborative approach with industry on environmental enforcement.

Trump appointees at EPA have faced harsh criticism that they're going easy on polluters. But in their announcement Friday, they said the self-audit program will actually lead to cleaner air by giving companies an incentive to come forward.

"New owners of oil and gas facilities may be particularly well positioned to identify and address emission violations," said EPA enforcement chief Susan Bodine. "This program offers these new owners incentives to ensure their newly-acquired facilities are in, or come into, compliance."

The proposal would allow companies that acquire new oil and gas operations to review newly purchased operations and report any problems to the agency. The companies would then have a flexible timeline to fix the problems. In exchange, EPA would waive all or most of the civil penalties that would normally apply.

The plan addresses emissions from storage tanks at well sites used to hold oil, petroleum liquids and wastewater. The tanks are one of the biggest sources of pollution from oil and gas operations, and EPA said regulators have found that a significant amount of violations and pollution from them.

Oil and gas companies complained bitterly to Trump appointees about an Obama-era enforcement initiative focused on the tanks ([Energywire](#), Jan. 17, 2018).

Volatile organic compounds such as benzene can leak from pressure-relief valves or from improperly secured hatches. In many cases, truck drivers open the tanks to the atmosphere when they measure the liquids that collect in tanks. Several workers have died from the effects of the toxic gases ([Energywire](#), May 30, 2017).

New owners will generally have nine months after acquiring the wells to tell EPA they want to participate. Companies that acquired wells in the past year can also participate. Also, the agency said it can reject applications for operations where violations have already been discovered.

Critics have suggested that allowing new owners the chance to self-report lets the previous owners off the hook for violations they've committed. But EPA said it reserves the right to go after previous owners when circumstances warrant.

"A seller that did not discover, disclose, and correct violations when it operated a facility should not benefit from this program because the facility's new owner decides to undertake such actions," agency officials wrote in a fact sheet accompanying Friday's announcement.

EPA has had a "new owner" program for traditional manufacturing plants since 2008. The agency struggled with applying it to the oil and gas industry because a typical oil field can include hundreds of tanks and other facilities.

Trump appointees have undertaken a number of other actions to make environmental enforcement friendlier to regulated companies. They have changed national enforcement initiatives to "compliance" initiatives and plan to end initiatives focused on animal waste pollution and the oil and gas industry ([Energywire](#), Aug. 24, 2018).

EPA enforcement has dropped under Trump, continuing a trend begun during the Obama administration amid shrinking budgets. The 10,600 inspections performed by EPA last year were an 11 percent drop from fiscal 2017. Inspections have been trending downward since 2010, when there were twice as many ([Energywire](#), Feb. 11).

Recently released enforcement numbers show a 47 percent increase in the number of facilities involved in self-reporting violations. But the number of violations reported remained roughly the same as at the end of the Obama administration.

House Energy and Commerce Chairman Frank Pallone (D-N.J.) has called EPA enforcement under Trump "abysmal." Bodine has defended her tenure, saying it's not true that the agency has gone soft on polluters ([Greenwire](#), Feb. 26).

The agency's inspector general recently began an assessment of long-term enforcement trends ([E&E News PM](#), Nov. 6, 2018).

Poor areas suffer most when storms hit cities — study

John Fialka, E&E News reporter

Published: Monday, April 1, 2019

Severe storms "fall on the rich and poor alike," but low-income neighborhoods suffer more damage from urban flooding, according to a new study.

Poorer areas also have less political clout to remedy the many gaps in the way cities, states and the federal government deal with rising seas and more record rainfall caused by climate change.

The report, released Friday by the National Academies of Sciences, Engineering and Medicine, notes that the gaps include an underestimation of the historic damage caused by urban floods and the inability of governments to predict where damage will occur. It stresses a need for "stronger coordination" among the multiplicity of local, state and federal agencies that manage both small and large floods.

The panel of scientists and other experts that did the study — which was requested by the Federal Emergency Management Agency — held workshops and conducted interviews in four cities. In each area, neighborhoods containing the poor, racial and ethnic minorities, the elderly, and the disabled were "disproportionally affected" by floods, the report says.

"Low levels of citizen engagement" contributed to the problem, it says. The report notes that in Baltimore, urban flooding damaged not only homes, but also schools and medical centers used by low-income families. Meanwhile, in nearby neighborhoods, "residents of valuable historic properties" received subsidized federal flood insurance to restore their homes.

The panel visited a frequently flooded neighborhood on Chicago's South Side where middle-income African-American residents complained they were given "a lower priority on major [flood] mitigation projects" than wealthier neighborhoods on the city's North Side.

Among the basic problems confronted in all four cities: Historical records of flooding contained gaps that understated previous flooding damage. FEMA records don't include the costs of more frequent small floods and uninsured damage, including resulting health problems and unemployment in areas where businesses are shut down.

Climate change-related factors, such as record rainfall, also make it more difficult to predict both the extent and locations of future flood damage. The report notes that before Hurricane Harvey hit Harris County, Texas — which includes Houston — the worst storm on record flooded about 73,000 homes. Harvey damaged 208,353 homes; 59 percent were outside the areas where FEMA estimated that record flooding would occur once in 500 years.

The report calls for "a new generation of flood maps and visualizations" that better integrate storm damage predictions with local topographical quirks and shortcomings in the capacities of storm sewer systems that can compound urban flooding.

It praises the Indian Bend Wash, a flood-control project in Maricopa County, Ariz., that emerged after citizens objected to a huge concrete channel to carry away floodwaters. In the early 1970s, after Phoenix suffered its worst storm in history, voters approved the creation of Eldorado Park, an 11-mile, federally funded open space where development was prevented. The park provided areas for hiking, biking and fishing. It also had the capacity to carry away up to 30,000 cubic feet of floodwater per second.

Over 280 million Americans live in urban areas. David Maidment, a civil engineering professor at the University of Texas, Austin, who chaired the committee behind the report, stressed that each city's problem can be different and that flooding can occur "everywhere in metropolitan areas, not just in floodplains flanking rivers and coasts."

"In order to better understand and manage urban flooding," Maidment said in a statement, "each city must take into account its built and natural environment, the impacts on people, information available to understand or communicate flood events, and the mix of local, state and federal policies in force."

Water conservation groups take warnings, lobbying effort directly to capitol

By [Adam Troxtell](#) | [Transcript Staff Writer](#) Mar 30, 2019



Adam Troxtell / The Transcript

Johson Grimm-Bridgwater, director of the Sierra Club's Oklahoma chapter speaks to reporters Wednesday at the conclusion of Oklahoma Water Lobby Day at the State Capitol in Oklahoma City. Beside him are Pam Kingfisher of Green Country Guardians, right and Grand River Keeper Earl Hatley, back right, who also spoke to reporters.

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OKLAHOMA CITY -- Groups of Oklahomans who are worried about the future of the state's water went to the capitol Wednesday to encourage a change of direction.

Well, at least that's what they hoped to do.

Oklahoma Water Lobby Day was a two-pronged event designed to instruct every-day citizens on how to lobby and to meet with lawmakers for said lobbying. But those plans hit a bump when organizers said Gov. Kevin Stitt -- with whom they had a meeting planned for weeks -- was unable to show up.

"We were very disappointed to show up and not be able to meet with the governor," Johnson Grimm-Bridgwater, director of the Sierra Club's Oklahoma chapter, said in a press conference. "We had people drive in from as far away as Broken Bow and were really looking forward to getting a few minutes for them to tell their stories -- as long-term Oklahomans who were born and raised here -- of problems we need to address with water."

Scheduling issues were the reason given for Stitt's absence, Pam Kingfisher of the Green Country Guardians environmental group, said. Veterans groups were also at the capitol for an event Wednesday.

In a press conference, members of the group there for Oklahoma Water Lobby Day explained the grim picture they painted for one of Stitt's legislative aides when it comes to the current future of Oklahoma water. Their particular focus is in the northeast part of the state, where they say the increase in industrial poultry operations has only enhanced the issues.

"Gov. Stitt is a businessman," Ed Brocksmith, founding member of the group Save the Illinois River, said. "He knows the economic importance of clean water, and the importance of the quantity of water. We feel that he has the leadership necessary to get Oklahoma's environmental enforcement program back on track."

"As evidence of the fact that it is off track is that Oklahoma has meaningful water quality limits for scenic rivers, like the Illinois River. However, those limits, which have been approved by the EPA and the Oklahoma legislature, are not being enforced."

One of the major issues with water quality, Grimm-Bridgwater said, is in-stream flow, which is water that flows into rivers. He said Oklahoma is the only state east of the Rocky Mountains that does not have a policy specifically for this type of water resource.

The group is backing House Bill 1403, authored by Republican State Rep. Justin Humphrey whose District 19 includes Pushmataha, Choctaw and parts of Bryan and Atoka Counties. It would basically empower the Oklahoma Water Resources Board to conduct studies for the purpose of protecting in-stream flow sources to rivers.

But the title of the bill -- the introduction of the bill that states what it covers -- was stricken during floor debate, meaning it will have to go back to committee, where Grimm-Bridgwater fears it will die.

"The problem is there is a lot of confusion of what in-stream water flow means and what it does," he said. "So it's a lot of education, but there is also what we feel is a very incorrect discussion on the cost associated with this concept. The bottom line is, all of the numbers we have been hearing, when I watched floor debates, are not accurate."

Besides, the intention of HB 1403, he said, is to save billions of dollars in potential water issues that could come up in the future. So the group is asking the governor to intervene.

"What we are requesting from Gov. Stitt is that he step in and make this happen," Grimm-Bridgwater said. "It is not a huge financial burden to the state, especially when you look at the fact that this one bill could literally ensure the protection of billions of dollars of future water issues."

Another bill the group has an issue with is Senate Bill 1003, authored by State Sen. Mark Allen whose District 4 includes Sequoyah and Le Flore counties. The bill is designed to encourage "voluntary compliance" with environmental regulations.

But the group fears this will simply empower companies to deal with environmental issues on their own, out of public view and without potential punishment.

"It would be kept secret from the public, kept out of them receiving any fines," Grimm-Bridgwater said. "In essence, it would allow the very people who are polluting Oklahoma to get off scott free and not even have to tell Oklahoma citizens what exactly happened and what is going on."

The group -- which included the Sierra Club, Green Country Guardians, STIR, the Conservation Coalition of Oklahoma and Trout Unlimited -- will be following up with Stitt's office to ensure the governor is aware of their requests. They also want Stitt to create a committee to oversee efforts to protect Oklahoma water.

Grimm-Bridgwater said he was proud to see the group includes conservationists, anglers, hunters and simply concerned citizens. But another group heavily involved is Native Americans, as Kingfisher -- a member of the Cherokee tribe who still lives on her grandmother's original land allotment -- points out.

"As Cherokees, it's not just a way of life," Kingfisher said. "It is our religion. When we pray, we go to the water. In the mornings and for special occasions, we go to the water. So it's not just a way of life; it's a source of life, for drinking, tourism and playing. That's important, and our kids deserve that, too. That's why I'm speaking up."

State pledges \$80M for Bayou Chene floodgate that will relieve backwater flooding in 6 parishes

The Associated Press MAR 31, 2019 - 4:30 PM



Advocate staff photo by BRAD BOWIE -- A swollen Atchafalaya River flows through downtown Morgan City on Jan. 7, 2016.

MORGAN CITY, La. (AP) — Residents in six southeastern Louisiana parishes will get some relief from backwater flooding thanks to a new floodgate.

Gov. John Bel Edwards announced this week that the state's Coastal Protection and Restoration Authority is pledging \$80 million to build a permanent floodgate across Bayou Chene.

The money comes from a revenue-sharing agreement called the Gulf of Mexico Energy Security Act that gives gulf states money from oil and gas developments off their shores.

The floodgate will help Morgan City and other communities in the area that are prone to backwater flooding that happens when the Atchafalaya River is running high and water backs up north up Bayou Chene.

"Backwater flooding in St. Mary and neighboring parishes has increasingly been a problem over the past decade as the Mississippi River and in turn, the Atchafalaya, has reached flood stage," the governor said in a news release. "Thanks to heroic, emergency efforts by the St. Mary Levee District, the worst was averted in both 2011 and 2016. Today, we are investing in this flood protection project to provide a permanent, long-lasting solution for the people of St. Mary's Parish and the surrounding region."

Over the years the area has relied on stopgap measures to hold back the water such as sinking a barge in the Bayou. St. Mary, Terrebonne, Lafourche, St. Martin, Assumption and Iberville parishes have all been affected.

"In 2016, it took 15 days to design, bid, build and install the temporary barge. It did the job but it wasn't cheap and it had to be removed after the flood threat passed because it was blocking navigation. Having a permanent structure we can open and close is a better, smarter solution," said St. Mary Parish President David Hanagriff in the news release.

The structure will have a 400-foot barge gate that can be swung into place and then sunk during high waters.